

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

2023 APR 19 A 10:07

Curlene Hodge, as next to kin on behalf of
Duward Baker (deceased)

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff,

700 Falcon Dr. Dothan, AL 36301

Action No. 1:23-cv-00222-RAH-CWB

Vs

Municipality of Dothan, Alabama,
Dothan Police Department,
William Benny, Chief of Police and
Corporal Michael Connors, Officer Minnifield and Officers John Does,
individually and in their Official capacities.

Defendant.

210 N. St Andrews St. Dothan, AL 36303

**Civil lawsuit alleging Wrongful Death, Excessive Use of Force and Violation of
Duward Baker's Civil Rights.**

Jurisdiction and Venue

- 1) At all times mentioned in this complaint plaintiff was and remains a resident of Houston County, Alabama, and plaintiff is also above the age of 19 years of age.
- 2) At all times mentioned in this complaint to the best of plaintiff's knowledge and belief the defendant City of Dothan, William Benny, Chief of Police, Corporal Michael Connors and all other defendants were presently employed by the City and reside in Dothan, AL.

3) This court also has proper jurisdiction because this lawsuit alleges violations of federally protected rights guaranteed under the Eighth and Fourteenth Amendments to the U.S. Constitution.

Background

On or about April 19, 2021, Duward Baker was a motorist, traveling eastbound on Lafayette Street in the City of Dothan, Alabama when he was stopped by a Dothan Police Department officer because his vehicle did not display a license plate. At some point during the traffic stop the patrol officer claims to have observed a firearm -in plain view- located within Bakers vehicle. There was no probable cause or suspicion of any felonious crime which entitled the officer to search Bakers vehicle or place him under arrest. Yet, after Baker pulled away the patrol officer proceeded to follow Baker. While Baker traveled another 8 to 10 blocks he was pursued until he was confronted again, this time by a calvary of Dothan Police Officers. These officers had formed a barricade, using their patrol cars to impede Bakers vehicle on Grant Street. At some point this Calvary of Police officers surrounded Baker. While Officer Minnifield was engaged in a dialogue with Baker, (holding his attention) another officer Corporal Michael Connor entered in an ambush position by couching behind dense shrubbery and chain link fence. While Baker was standing with his hands visibly in sight Corporal Connor along with other officers fired multiple rounds, striking Baker in his back, neck and face area which caused his death. An autopsy was performed and the report confirmed that Bakers death was the result of homicide, caused by multiple gunshots.

Plaintiff's Causes of Actions

Wrongful Death

- 1) Plaintiff asserts and avers that Corporal Michael Connor along with other officers surrounded Baker and subjected him to be in fear for his own safety.
- 2) Plaintiff asserts and avers that Corporal Connor acted with deliberate intent and without provocation or just cause whenever he set out to ambush Baker from behind a chain link fence covered by dense shrubbery.

3) Plaintiff asserts and avers that Corporal Connor along with other officers fired multiple rounds from a high caliber weapons, striking Baker in his back, face, neck, and upper torso, causing his death.

4) Plaintiff asserts and avers that Corporal Michael Connor along with the other officers had formed a barricade with their patrol cars to impede Bakers vehicle on Grant Street.

Excessive Use of Force:

5) Plaintiff asserts and avers that Corporal Michael Connor along with other officers acted with deliberate intent and reckless disregard for Duward Baker's life and used excessive force by shooting him in the back with high caliber weapons, causing his death.

Negligent by failing to properly train, supervise and discipline.

6) The Municipal City of Dothan, Alabama along with Chief William Benny of Dothan's Police Department were each negligent in their duties to ensure that Corporal Michael Connor along with the other officers involved in the shooting death of Duward Baker received adequate training, supervision and discipline. And their failure to so was the proximate cause of these officers reckless shooting of Duward Baker.

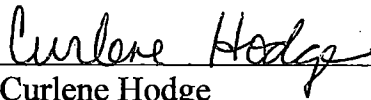
Cruel and unusual punishment and Violation of Due Process of law.

7) Plaintiff asserts and avers that each of the defendants violated the substantive rights of Duward Baker by wrongfully causing his death, inflicting cruel and unusual punishment, and denying him due process of law.

Conclusion

WHEREFORE the plaintiff demands a jury trial and judgment against defendants in the amount of 10,000,000.00 plus 20,000,000.00 for punitive damages, together with all court cost and any further relief that this court seems just and proper

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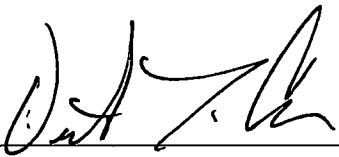

Curlene Hodge
700 Falcon Drive
Dothan, AL 36301

334. 655-6698

STATE OF ALABAMA)
HOUSTON COUNTY)

Before me, the undersigned Notary Public, in and for said county and state, personally appeared Curlene Hodge, whose name is singed to the foregoing document, and who is known to me, acknowledge before me on this date that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 18th day of April 2023


Notary Public
My Commission Expires: 06/30/2024

